

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 1, 2002. Applicants have amended Claims 1, 5, 13-14, 17, 19, 22-23, and 26. Applicants believe that all pending claims are in condition for allowance and respectfully request reconsideration and favorable action in this case.

Consideration of Information Disclosure Statement

Applicants submitted an Information Disclosure Statement dated August 30, 2002, as well as copies of all documents cited in that IDS. The Examiner has indicated that Documents J through S on page 1 and Documents I through R on page 2 of the accompanying PTO Form 1449 were not provided. For the convenience of the Examiner, copies of these documents are being resubmitted. Applicants respectfully requests the Examiner to consider these references, and in the event a patent issues on this Application, that this art be printed on the face of the issued patent. A copy of the Information Disclosure Statement listed above and a copy of the PTO-1449 attached thereto is enclosed with this response for the Examiner's consideration. Applicant respectfully requests a copy of the PTO Form-1449 for this Information Disclosure Statement indicating the Examiner's consideration of all of the references.

Section 102 Rejections

The Examiner rejects Claims 17 and 22 under 35 U.S.C. § 102(e), as being unpatentable over U.S. Patent No. 6,404,782, issued to Berenbaum, et al. ("*Berenbaum*"). In order for a patent claim to be anticipated by prior art under §102(e), each and every element of that claim must be present in the cited art. Claim 17, as amended, recites a telecommunications signal comprising cell payloads comprising reduced rate second components. In contrast, *Berenbaum* discloses placing signaling information, which is one type of reduced rate component, into an ATM cell *header*. (*Berenbaum*; Figure 2; Col. 1; line 66, Col. 4; lines 59-64). Therefore, *Berenbaum* fails to disclose all the elements of Claim 17, as amended. For at least this reason, Applicants respectfully request reconsideration and allowance of amended Claim 17, and all claims that depend from Claim 17, including rejected Claim 22.

Section 103 Rejections

The Examiner rejects Claims 1-4, 5, 7, 9, 13, 19, and 23-26 under 35 U.S.C. § 103(a), as being unpatentable over *Berenbaum* in view of U.S. Patent 6,243,382 issued to O'Neill, et al. ("*O'Neill*"). The Examiner also rejects Claims 6, 8, 10-12, 14-16, 18, 20-21, and 27-18 under 35 U.S.C. § 103(a), as being unpatentable over *Berenbaum* in view of *O'Neill* and further in view of Applicants' admitted prior art ("*AAPA*").

In order to establish a prima facie case of obviousness through a combination of references: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge available to one skilled in the art, to modify a reference or combine multiple references; (2) there must be a reasonable expectation of success; and (3) the prior art reference, or the combination of references, must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Applicants respectfully argue that *Berenbaum*, *O'Neill*, and the *AAPA* fail to suggest or teach all the limitations of Claims 1, 14, and 23, as amended.

With respect to amended Claim 1, neither *Berenbaum* nor *O'Neill* suggest or teach a method for transmitting traffic having disparate rate components where the reduced rate components are transmitted in cell payloads. In fact, *Berenbaum* specifically teaches that its signaling information, which is one type of reduced rate component, is transmitted in the ATM cell header. (*Berenbaum*; Figure 2; Col. 1; line 66, Col. 4; lines 59-64). Furthermore, *Berenbaum's* discussion of alternative embodiments only discloses the use of the cell header for communicating signaling information. In addition, *O'Neill* only discloses segmenting and reassembly of packets from ATM cells and does not disclose that signaling information is transmitted in either the ATM cell header or payload. Therefore, *Berenbaum* and *O'Neill* fail to suggest or teach all the limitations of Claim 1, as amended.

With respect to amended Claim 14, *Berenbaum*, *O'Neill*, and the *AAPA* all fail to suggest or teach a method for reformatting telephony traffic into ATM cells comprising including in each AAL cell payload the CAS value for a portion of the DS-0 channels such that the CAS values for all of the DS-0 channels are included within a superframe of AAL cells. As stated above, *Berenbaum* specifically teaches that its signaling information is transmitted in the ATM cell header, while *O'Neill* makes no mention of how signaling information is transmitted in an ATM cell. Furthermore, in contrast to amended Claim 14, the *AAPA* discloses that CAS values are placed at the end of a superframe, rather than

placing CAS values within a superframe. Therefore, *Berenbaum*, *O'Neill*, and the *AAPA* all fail to suggest or teach all the limitations of Claim 14, as amended.

With respect to amended Claim 23, neither *Berenbaum* nor *O'Neill* suggest or teach a telecommunications device comprising a reformatting device operable to distribute the reduced rate components of the traffic streams between a defined set of cells for in-band transmission of the second components in the cell payloads. As discussed above, *Berenbaum* specifically teaches that its signaling information is transmitted in the ATM cell *header*, while *O'Neill* makes no mention of how signaling information is transmitted in an ATM cell. Therefore, *Berenbaum* and *O'Neill* fail to suggest or teach all the limitations of Claim 24, as amended.

For at least these reasons, the Examiner has failed to establish a prima facie case of obviousness per M.P.E.P. § 2143. Consequently, Claims 1, 14, and 23 are patentable over *Berenbaum* in view of *O'Neill* and the *AAPA*. Therefore, Applicants respectfully request reconsideration and allowance of Claims 1, 14, and 23, and all claims that depend from those claims.

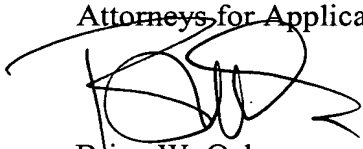
CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

No fees are believed to be due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants


Brian W. Oaks
Reg. No. 44,981

2001 Ross Avenue
Dallas, Texas 75201-2980
(214) 953-6986

Date: 1/8/03

CORRESPONDENCE ADDRESS:

Baker Botts L.L.P.
2001 Ross Avenue, Suite 600
Dallas, TX 75201-2980

MARKED-UP VERSION OF CLAIM AMENDMENTS

For the convenience of the Examiner, all claims have been presented whether or not an amendment has been made.

1. **(Amended)** A method for transmitting traffic having disparate rate components, comprising:

receiving a plurality of traffic streams, each traffic stream including a first component and a reduced rate second component associated with the first component;

segmenting the first components of the traffic streams into successive cells; and

distributing the second components of the traffic streams between a defined set of the cells for in-band transmission of the second components **in a payload of each of the cells**.

2. The method of Claim 1, further comprising substantially evenly distributing the second components of the traffic streams between the defined set of cells.

3. The method of Claim 1, further comprising segmenting the first component of each traffic stream into a fixed position in the successive cells.

4. The method of Claim 1, wherein the defined set of cells is a superframe, further comprising transmitting successive superframes without insertion of intervening superframe information.

5. **(Amended)** The method of Claim 1, wherein distributing the second component of the traffic streams between the defined set of cells comprises including in each cell **payload** the second component for a portion of the traffic streams such that the second components for all of the traffic streams are included within the defined set of cells.

6. The method of Claim 1, wherein the reduced rate second component comprises information received as superframe information.

7. The method of Claim 1, wherein the reduced rate second component comprises control information for the first component.

8. The method of Claim 1, wherein the first component is a DS-0 and the reduced rate second component is the Channel Associated Signaling (CAS) value for the DS-0.

9. The method of Claim 1, wherein the cell is asynchronous transfer mode (ATM) cell.

10. The method of Claim 1, wherein the first component is a DS-0, the reduced rate second component is the CAS value for the DS-0, and the cell is an ATM adaption layer (AAL) cell.

11. The method of Claim 10, further comprising repeating included CAS values in each AAL cell.

12. The method of Claim 10, further comprising providing a 4 bit sequence count in an AAL header for the AAL cell.

13. **(Amended)** The method of Claim 1 [5], further comprising:
storing a current value for the reduced rate second components for each traffic stream in a memory; and
retrieving the second components of traffic streams for inclusion in the cells from the memory.

14. **(Amended)** A method for reformatting telephony traffic into asynchronous transport mode (ATM) adaption layer (AAL) cells for transmission on a network, comprising:

receiving a plurality of telephony streams, each telephony stream including a DS-0 channel and a Channel Associated Signaling (CAS) value for the DS-0 channel;

segmenting the DS-0 channels into successive AAL cells; and

including in **a payload of** each AAL cell the CAS value for a portion of the DS-0 channels such that the CAS values for all of the DS-0 channels are included within a superframe of AAL cells.

15. The method of Claim 14, wherein the superframe contains 24 AAL cells.

16. The method of Claim 14, wherein the superframe contains 16 AAL cells.

17. (Amended) A telecommunications signal embodied in a transmission media comprising:

a superframe including [having] a plurality of [frames] cells, each cell having a payload;

the cell payloads [frames] each comprising a successive segment of a first component for a plurality of traffic streams and a reduced rate second component for a portion of the traffic streams; and

the cells [frames] in the superframes together comprising the reduced rate second components for all of the traffic streams.

18. A telecommunications signal of Claim 17, the first component comprising a DS-0 and the reduced rate second component comprising the CAS value for the DS-0.

19. (Amended) The telecommunication signal of Claim 17, further comprising the successive segments of the first component for the traffic streams having a fixed position in each cell [frame].

20. The telecommunications signal of Claim 17, the reduced rate second component comprising superframe information.

21. The telecommunications signal of Claim 17, the reduced rate second component comprising control information for the first component.

22. (Amended) The telecommunications signal of Claim 17, substantially each cell [frame] in the superframe comprising reduced rate second components for a same number of traffic streams.

23. **(Amended)** A telecommunications device, comprising:
one or more ports receiving a plurality of traffic streams, each traffic stream including a first component and a reduced rate second component associated with the first component;
and

a reformatting device operable to segment the first components of the traffic streams into successive cells and to distribute the second components of the traffic streams between a defined set of cells for in-band transmission of the second components **in a payload of each of the cells.**

24. The telecommunications device of Claim 23, further comprising the reformatting device operable to substantially evenly distribute the second components of the traffic streams between the defined set of cells.

25. The telecommunications device of Claim 23, further comprising the reformatting device operable to segment the first components of each traffic stream into a fixed position in the successive cells.

26. **(Amended)** The telecommunications device of Claim 23, the reformatting device operable to include in each cell **payload** the second component for a portion of the traffic streams such that the second components for all of the traffic streams are included within the defined set of cells.

27. The telecommunications device of Claim 23, wherein the first component is a DS-0, the reduced rate second component is the CAS value for the DS-0 and the cell is an ATM adaption layer (AAL) cell.

28. The telecommunications device of Claim 27, the reformatting device operable to provide a 4 bit sequence count in an AAL header for the AAL cell.